



Report to Planning & Zoning Commission

Clay County, Missouri

Case Number **April 14-115RZ/P**

Case Type **Rezoning & Preliminary Plat**

Project Name **Narron Estates**

Applicant/Owners Jerry and Mary Narron
 15523 Cordell Road
 Kearney, Mo 64060

Request **Rezoning & Preliminary Plat** approval of Narron Estates

Application Submittal 2014-02-28

Public Notice Published 2014-03-13

Neighbor Letters Sent 2014-03-14

Report Date 2014-03-26

REPORT AUTHOR(S) Debbie Viviano, Planner
 Matt Tapp, Director

Recommendation APPROVAL with condition



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General Information

Site Location: 15523 Cordell Road
Section 30 | Township 53 | Range 30

Site Size: 20.5± Acres

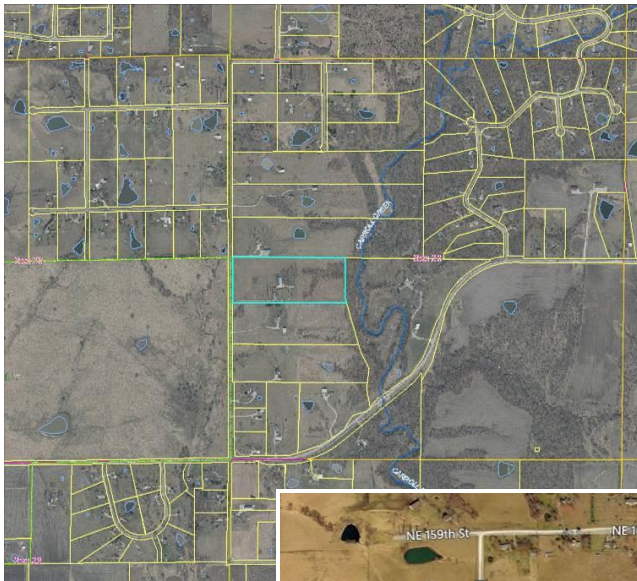
Existing Landuse & Zoning: Agricultural District (AG)

Zoning/Platting History: None

Surrounding Landuse & Zoning:

- North - Agricultural (AG), Residential Rural District (R-1) Zoned Land
- East - Agricultural (AG), Residential Rural District (R-1) Zoned Land
- South - Agricultural (AG) Zoned Land, Residential Rural District and Residential Low Density District (R-1 & R-1A) Zoned Land
- West - City of Kearney, Residential Rural District (R-1) Zoned Land

Current Conditions:



Courtesy Cathy Rinehart,
Clay County Assessor



Courtesy Microsoft® Bing™



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Assessment

Jerry and Mary Narron are requesting **Rezoning** approval from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 2 ONLY and to Residential Rural (R-1) for Lot 1 ONLY, in addition to **Preliminary Plat** approval for Narron Estates a total area of approximately 20.5± acres.

The Narrons wish to split the parcel so that their son may build one (1) new single family residence.

2008 Comprehensive Plan Considerations

The Comprehensive Plan ("Plan") indicates that the subject property is located in the RURAL LOW DENSITY TIER, as well as the 1-Mile Urban Coordination Sub-Tier and the Highway Corridor Overlay District (92 Highway).

The following tables illustrate two (2) of the most pertinent policies shaped by the Plan. The first (1st) table shows the land use tiers and corresponding guidelines, and the second (2nd) explains the exceptions to the 20-acre minimum lot size policy as directed by the Plan.

Table 4.2 - Land Use Planning Tiers - Presented on the Planning Tier Map			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier* (Green)	Urban Services Tier* (Salmon)
Intent	Support continued agricultural uses in areas beyond near- and long-term urban service extensions.	To accommodate low density rural uses in areas located beyond anticipated city annexation areas.	To promote urban development compatible with the long range growth plans of adjoining cities.
Primary Uses	Agricultural-related uses, natural resources	Agricultural crop lands, livestock grazing, woodlands, grasslands, rural residences	Urban density residential and non-residential
Residential Uses	Rural Density: 1 dwelling unit per 20+ acres.	Rural Density; Rural Residential Density; low-density rural residential development: 1-dwelling unit per 20+ acres, or 1-farmstead dwelling on 5+ acres; Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre.	Suburban Density: moderate-density development on municipal-level services: up to 4-units per acre. Urban Density: development on municipal-level services: greater than 4-units per acre. 20-acre minimum for agricultural and rural residential uses until such time as urban development occurs.
Non-Residential Uses	Farm service related, recreation	Farm service related, recreation	Recreation, limited commercial and industrial consistent with the long range growth plans of adjoining cities.
Minimum Sanitary Sewer Provisions	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	On-site septic, Community Wastewater Facility if indicated by LESA guidance.	Municipal Wastewater Treatment Plant connection for Suburban Density or greater. ⁽³⁾
Zoning Districts	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density, such as on 3-acre lots).	Ag-related zoning districts; Open Space & Parks; non-agricultural zoning if on strict standards (not including Res. Low Density such as on 3-acre lots).	Open Space & Parks; and residential districts through general industrial (not including Res. Low Density such as on 3-acre lots). AG, Agricultural zoning is appropriate until full range of urban services available.

⁽³⁾ On-site septic allowed for agricultural uses only.

* The **Planning Tier Map** notes a special designation of areas within one mile of each city: "1-Mile Urban Coordination Sub-Tier" where advise-and-consent should be solicited from the designated city. The applicant will be required to submit a letter from the city of jurisdiction concerning the proposal. The Clay County Planning and Zoning Commission may consider the letter as a non binding city recommendation for Clay County to consider in their deliberations.



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Table 4.3 – Option B for Land Use Tier Implementation: Transition Policy Procedures			
	Natural Resources Tier* (Yellow)	Rural Low-Density Tier (Green)	Urban Services Tier (Salmon)
Intent	Exceptions from 20-acre minimum lot size in Ag-districts		phasing in of new regulations
Density Exceptions for Legal Lots of Record as of the date of Revision of the Land Development Code	Subdivision of land to 5+acre lots, provided that 50% of the subdivided parcel is preserved, such as in an agriculture deed restriction.	Or, subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved.	Subdivision of land to 10+acre lots, provided that a "shadow plat" at urban density is approved, and—for plats within one mile of a city—the city's issues have been addressed.
Other Exceptions	Farmstead** dwellings allowed on 5+acre parcels.		City within one mile may review and recommend other exceptions granted in other tiers, provided a "shadow plat" at urban density is approved.

* The Natural Resources Tier includes an "Urban Services Transition Sub-Tier" area along M-92 and C-Highways that extends where urban development is influenced by the urban highway; yet remains within the Natural Resources Tier designation for purposes of enhanced environmental review and scrutiny.

** A "Farmstead Dwelling" is the original residence built and initially occupied by a farm family, regardless of whether the current household occupant is associated with farming.

The City of Kearney is within the 1-Mile Urban Coordination Sub-Tier. The City responded with an email on March 10, 2014 and does not oppose the splitting of the property.

The subject request meets the spirit and jest of the 2008 Comprehensive Plan due to the response from the City of Kearney.

Character of the General Neighborhood

Agriculturally (AG) zoned property is in each direction of the property. R-1 zoned land is to the north, east and west. R-1 & R-1A zoned land is to the south. The City of Kearney is to the west within the 1-mile coordination tier [See Attachment B].

LDC Considerations

The rezoning application was properly noticed in the Kearney Courier on March 13, 2014. Adjacent property owners within the statutory law mandated 1,000 foot distance were notified by means of a certified letter dated mailed on March 14, 2014.

The petitioner should fully address the five (5) rezoning criteria in the Land Development Code (LDC) which requires the following standards be met with a rezoning application (*Section 151-3.3 F*):

1. Whether or not the proposed amendment corrects an error or inconsistency or meets the challenge of a changing condition in the area;
2. Whether or not the proposed amendment is consistent with the *Comprehensive Plan* and the stated purpose and intent of Sec. 151-1.7;
3. Whether or not the proposed zoning district as a whole allows development that is compatible with existing uses and zoning of nearby property;
4. Whether or not the county and other service providers will be able to provide adequate public facilities and services to the subject property, while maintaining adequate levels of service to existing development; and
5. Whether or not the proposed amendment would result in significant adverse impacts on other property in the vicinity of the subject tract or on the environment, including air, water, noise, storm water management, and natural resources.



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Outside Agency Review

The Clay County Highway Department notes that the current driveway “meets the technical specifications access requirements”. Road Impact Fees (RIF) are not required for Lot 1 as it is occupied by an existing single family residence, and a RIF Waiver has been approved by the Highway Department for Lot 2. However, the waiver is not lastly approved until the Planning & Zoning Commission and County Commission approve.

The Clay County Health Department has given preliminary and final approval. The Public Water Supply District #8 of Clay County already has an existing water meter for Lot 1 and can provide an additional meter for proposed Lot 2. Kearney Fire District serves the property.

Recommendations

It is the recommendation of Staff that the request for **Rezoning** from Agricultural (AG) to Residential Urban Rural Single-Family District (RU-80) for Lot 2 ONLY and to Residential Rural District (R-1) for Lot 1 ONLY be **approved**, subject to the petitioner addressing all rezoning standards.

Staff recommends the **Preliminary Plat** of **Narron Estates** be **approved** with the following condition as shown on Exhibit A:

Exhibit A

1. Lot 2 is subject to Road Impact Fees (RIF) unless the waiver is approved by Planning & Zoning Commission and County Commission.



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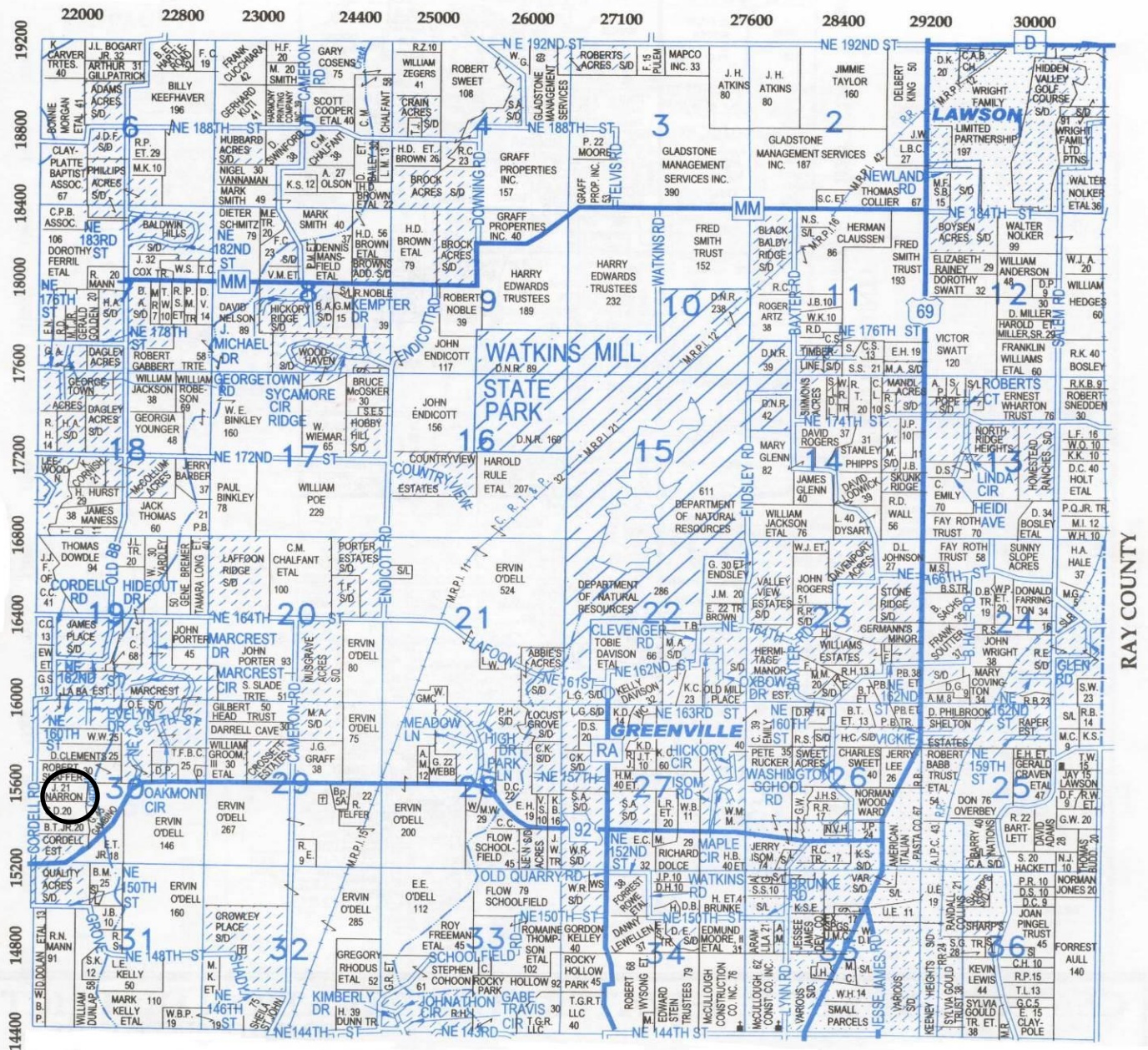
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Attachments

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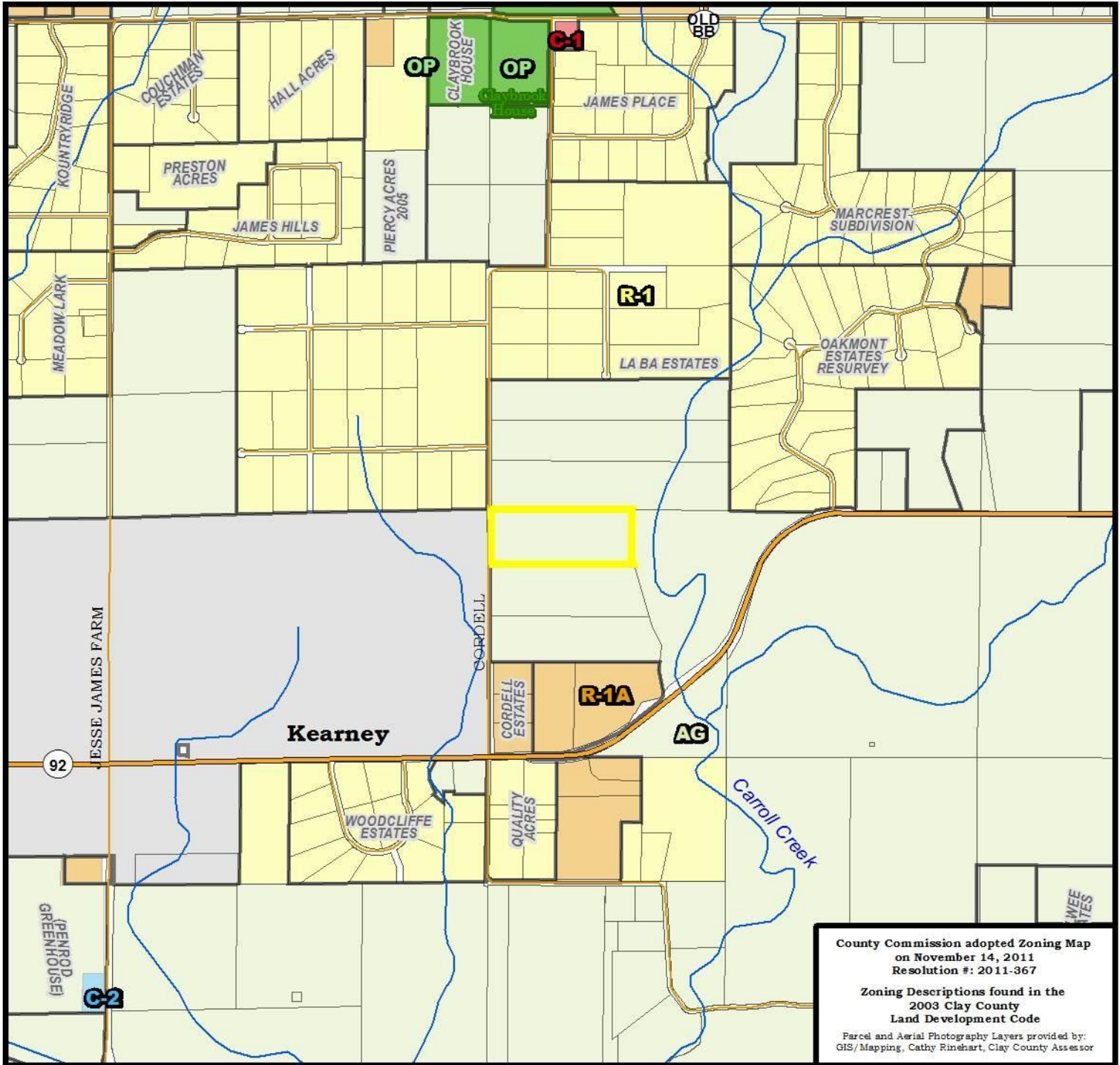
Attachment A - Vicinity Map

TOWNSHIP 53N • RANGE 30W



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Attachment B - Existing Conditions Map



Planning & Zoning Department



1 inch = 1,500 feet
1 inch = 0.28 miles

LEGEND

- Property Line
- ~~~~~ Streams (EPA)
- Railroads
- Roads
 - Interstates
 - State Highways
 - Local Roads
 - Highway Ramps
- Subdivisions
- 2014 City Limits
- Parks
- County Boundaries

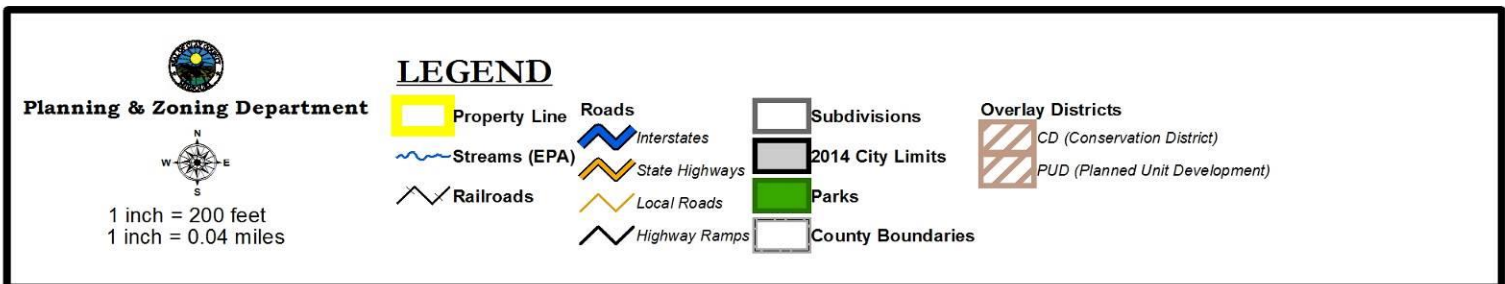
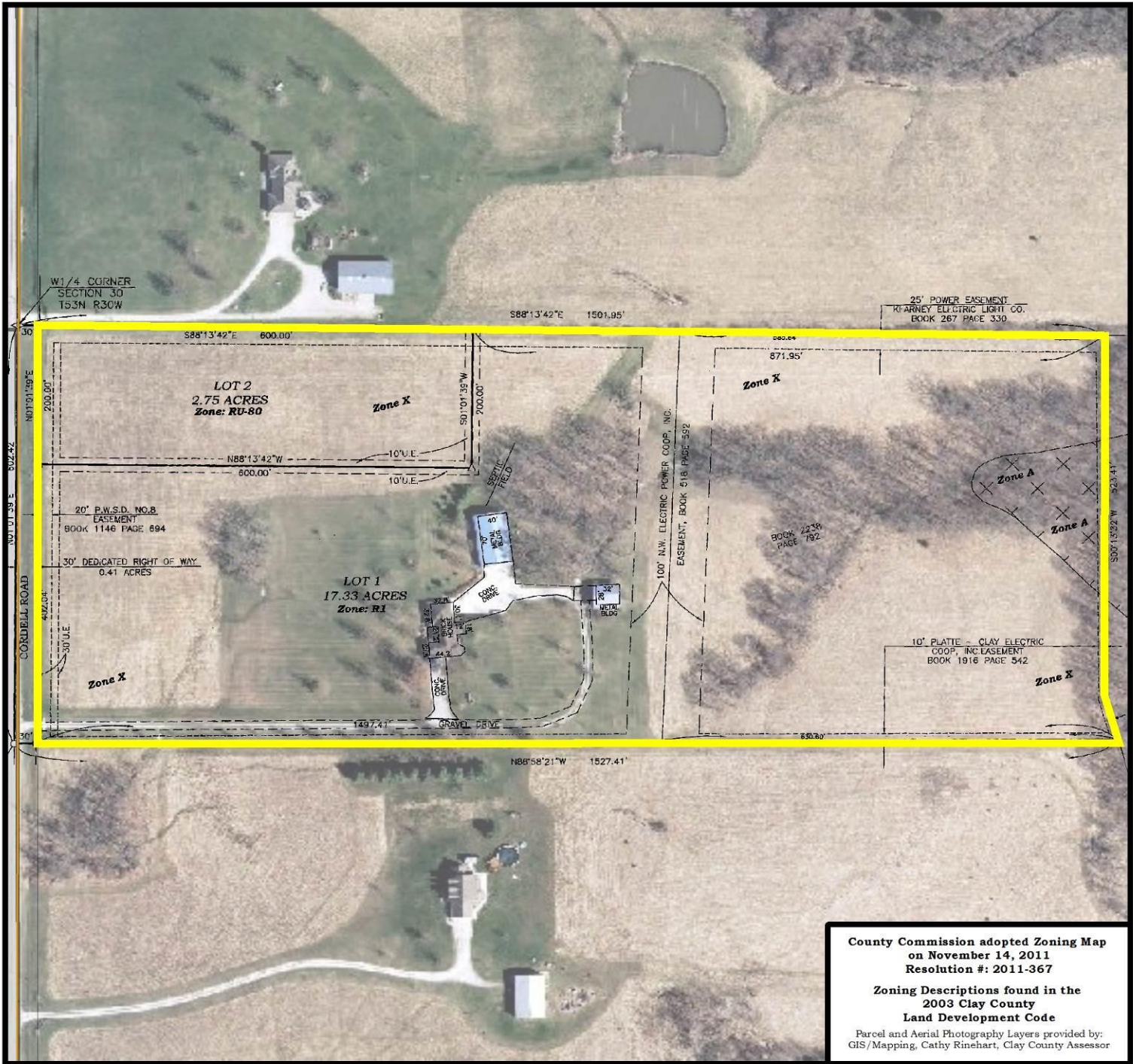
Overlay Districts

- CD (Conservation District)
- PUD (Planned Unit Development)

Zoning Districts

- AG
- R-1
- R-1A/R-5
- R-1B/RU
- R-3
- C-1
- C-2
- C-3
- I-1
- I-2
- OP

April 14-115RZ/P – Narron Estates
Attachment C - Site Plan Map



Map Document: (G:\GIS\Project_Files\Vacinity Map - 8 x 11 P.mxd)
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